

REMARKS

I. INTRODUCTORY REMARKS

Upon entry of this Amendment, claims 12-22, 26-28, 32-33, 38-40, and 44-49 will be pending in the application. The Notice of Non-Compliant Amendment dated July 8, 2009, indicates that the Amendment filed on March 18, 2009 is not fully responsive. The Applicant respectfully submits the instant revised amendment (showing all changes made relative to the claims pending prior to the amendment filed March 18, 2009) to cure the alleged deficiency in the previously filed response. By this Amendment, claims 32, 38, 44, and 47 are amended. The remarks provided in the previously filed amendment of March 18, 2009, are incorporated herein by reference. Reconsideration and withdrawal of the rejections are respectfully requested.

II. STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

Applicant gratefully acknowledges the time taken by Examiner Sergent to discuss the Notice of Non-Responsive Amendment mailed July 8, 2009. Applicant's undersigned representative contacted Ex. Sergent by phone on July 30, 2009. The Examiner's Interview Summary mailed August 3, 2009, provides an accurate description of the substance of the interview and is hereby incorporated by reference.

III. CLAIMS 38, 44, AND 47

In response to the Examiner's position that the recited species of "nylon" and "polyamide elastomer polymer" in claims 38, 44, and 47 are not distinct (*see* Notice mailed July 8, 2009, and Int. Summary dated August 3, 2009), Applicant hereby amends each of claims 38, 44, and 47 to recite, in relevant part,

(a) a thermoplastic polymer selected from the group consisting of a polyamide elastomer copolymer, nylon, a copolyester copolymer of poly(1,4-butanediol terephthalate) and poly(alkylene ether terephthalate), a copoly(ether-ester-amide) polymer, copolymers of polylaurinlactam and polytetrahydrofuran, a reaction product of a polyisocyanate and a polyah, and combinations thereof, **wherein the elastomer is a polyether polymer, a polyester polymer, or a combination thereof;**

(emphasis added). Thus, each of claims 38, 44, and 47 now recite that the thermoplastic polymer may be, inter alia, a polyamide elastomer copolymer, wherein the elastomer is a polyether polymer, a polyester polymer, or a combination thereof. This is believed to be sufficient to distinguish the recited polyamide elastomer copolymer from nylon for purposes of applying the claimed proviso. Support for the added language can be found, for example, in the first full paragraph on page 37 of the disclosure as filed. Reconsideration is respectfully requested.

IV. CONCLUSION

All of the stated grounds of objection and rejection are believed to have been properly overcome, traversed, accommodated, or rendered moot. Accordingly, the Applicant respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. The Applicant believes that a full and complete reply has now been made to the outstanding Office Action dated November 24, 2008, and, as such, the present application is in condition for allowance. An early notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that a personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration on the merits is respectfully requested.

Respectfully submitted,

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